the court that the applicant is charged with seven charges of criminal breach of trust and each charge carries a maximum sentence of twenty years. According to him, considering the amount involved is $6.7 million, a bail of $1 million is not excessive.

It should be noted that although Ahmad Shukri is charged as an abettor, he too, faces a maximum sentence of twenty years' imprisonment under sections 109 and 409 of the Penal Code. If the President has granted Ahmad Shukri bail of $200,000.00, in my judgment it is only proper that the applicant, too, should be treated equally by the President in setting bail for him.

I accordingly order that the bail of $1 million and two sureties ordered by the President be reduced to a sum of $200,000.00 and two sureties. His international and restricted passports shall remain impounded with liberty to apply.

*Order accordingly.*

Solicitors: *Shafee & Co.*

---

## LIM KEE TIAK v. LIM KEE TIAN

**[O.C.J. (Mustapha Hussain J.) July 3, 1986]**

**[Seremban – Civil Suit No. 89 of 1985]**

*Practice and Procedure – Pleadings – Application for further and better particulars – Details to ensure clearness.*

*Trust – Pleadings must include creation of trust and properties included in trust.*

In any pleading a certain amount of details are obviously necessary not only to ensure clearness but also to prevent suprise to the other party and to narrow down the real issues or points in dispute.

In this case, the defendant should give further and better particulars, not only of the creation of trust but also the properties included in the said trust.

CIVIL SUIT.

*K. Gunaretnam* for the plaintiff.
*S.F. Leow* for the defendant.

*Cur. Adv. Vult.*

**Mustapha Hussain J.**: The plaintiff is claiming as *administrator de bonis non* of the Estate of Chew Hwee (with aliases) who at the time of her death owned some lands. The defendant was the donee of a power of attorney and had after revocation by the death of the donor transferred the said lands to two persons and the transfers were done fraudulently, so alleged by the plaintiff.

In the defence, the defendant claims that the deceased Chew Hwee (with aliases) held the said lands in trust for the defendant who is the beneficial owner. The defendant did not state whether the trust was by deed or oral; simply "trust."

The plaintiff then applied for further and better particulars which was refused by the Senior Assistant Registrar and hence this appeal.

The principles underlying applications for further and better particulars are to be found under Functions of Particulars in any *White Book*. In any pleading a certain amount of details are obviously necessary not only to ensure clearness but also to prevent surprise to the other party and to narrow down the real issues or points in dispute.

In our case, the simple word "trust" is not that clear. It could mean oral, by deed or even constructive. Reviewing all the authorities, this Court is of the view that the defendant should give further and better particulars, not only of the creation of the trust but also the properties included in the said trust. Moreover there is nothing wrong in disclosing the particulars as it would save time and expense. It will, in no way at all, prejudice the defendant. On the other hand, it will provide clarity to the issues involved.

As such, I allow the appeal with costs here and before the Senior Assistant Registrar.

*Appeal allowed.*

Solicitors: *Sault & Co.; Arifin & Partners.*